

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(NORTHERN DIVISION)

DAVID GERBEN, et al.

Plaintiffs,

v.

Civil Action No.: 1:17-cv-01346-GLR

O.T. NEIGHOFF & SONS, INC., et al.

Defendants.

**ORDER GRANTING JOINT MOTION FOR JUDICIAL APPROVAL OF
SETTLEMENT AND DISMISSAL OF ACTION WITH PREJUDICE**

Upon consideration of the Joint Motion for Judicial Approval of Settlement filed by Plaintiffs, David Gerben, Sheila Tate and Darrell Delaney (hereinafter, referred to as "Plaintiffs") and Defendants, O.T. Neighoff & Sons, Inc. and Kenneth D. Neighoff (hereinafter, referred to as "Defendants"), the Court hereby **GRANTS** the Motion and approves the settlement between Plaintiffs and Defendants (hereinafter, collectively referred to as "the Parties") based on the following findings:

1. The Parties have provided the Court with sufficient information to conclude that Plaintiffs have been afforded complete relief on the Fair Labor Standards Act ("FLSA") claims for unpaid wages and overtime. Complete relief renders a case moot, as recently recognized in *Genesis Healthcare Corp. v. Symcyk*, 133 S.Ct. 1523 (2013). *See also Simmons v. United Mortgage and Loan Investment, LLC*, 634 F.3d 754 (4th Cir. 2011).

2. In addition, the Settlement Agreement represent fair and reasonable resolution of a *bona fide* dispute under the FLSA according to the factors that have been cited in other actions before the District Court. *See Saman v. LBDP, Inc.*, 2013 2949047, at * 3 (D.Md. June 13, 2013).

3. The Court finds that the settlement was the product of arms' length negotiations between Counsel for the Parties, who are experienced in the field of FLSA litigation.

4. The attorneys' fees and costs to be paid under the Settlement Agreement are separately stated and Plaintiffs' counsel has provided sufficient information to permit the Court to conclude that the fees and costs represent payments for amounts actually incurred at a reasonable hourly rate. The amount for fees and costs bear a reasonable relationship to the amount being paid to Plaintiffs under the Agreement.

WHEREFORE, the Court hereby Orders that the Joint Motion for Judicial Approval of Settlement be and is hereby **GRANTED**, the settlement is **APPROVED** and the cases of Mr. Gerben, Ms. Tate and Mr. Delaney are **DIMISSED WITH PREJUDICE**.

11/27/18

DATE



THE HONORABLE GEORGE L. RUSSELL, III
UNITED STATES DISTRICT JUDGE